Scott. II-48—6,001—

(191) Departmen

SERIES.

G.O. No. 464-5

DATED

[Despatch Abstract.]

180 mio 1920

P.C. 34644 198

No.0228/4/Q.1 Headquarters, 9th Division,

BANGALORE. 6 August 1920.

Pursuant correspondence with Mr. Smith subject 6 months ago Spec 428

The Secretary to the Govt. of Madras,

Sir,

I have the honour to request sanction to the imposition of cattle Pound Fees etc., for the Cantonment of Bellary, in accordance with the attached list and that this sanction may be published in the Fort St.George Gazette for the information of all concerned.

I have the honour to be,

Sir,

Your obedient servant,

BRIGADIER GENERAL,

Commanding, 9th (Secunderabad) Division.

WRG.5/8

Revised list showing the cattle Pound fines, feeding charges and Rewards to impounders to be brought in force in the Cantonment of Bellary.

Description of Cattle.	Fines for Bellary Cantonment.			Feeding charges for a day i.e 24 hours.			Rewarders to impounders.		
Buffaloe (Male or female	1	0	0	0	2	0	0	3	0
do Calf do	0	8	0	0	1	0	0	1	0
Horse, Mare, gelding, pony, colt, filly, mule bull or Bullock, cow or heifer	0	8	0	0	2	0	0	2	0
Foal, calf, ass & pig...	0	6	0	0	1	0	0	1	0
Ram, ewe, sheep, lamb and goat.....	0	4	0	0	1	0	0	0	8
do do do kid	0	2	0	0	0	6	0	0	4

These Columns are not published

3

Reminded on 15.10.20 [C No 3975 D/20]

From the Officer Commanding
9th (Secunderabad) Division

Encl No 3975 D/20-1 dt 19-8-20

Referred to the District Magistrate of Bellary for remarks

18.8.20

DESPATCHED
20 AUG 1920

To
The Dt Magistrate,
Bellary

4

C.F.—29.

Revenue **DEPARTMENT.** 5077 D

Received 15 - 10 - 1920. *Registered* 15 - 10 - 1920.

Subject.

Cattle-pound fees.

Proposed increased rates of.....

recommended reasonable.

ENCLOSURES.
No.
Spare copies

UNDER SECY. TO GOVT. 16 OCT 1920 REVENUE DEPT.

L.Dis.C.No. 1461/20-A-2

Station Bellary, *Dated the* 13th October 1920 191

DESPATCHED 14 OCT 1920

From (Name) A.F.G. Moscardi Esq., I.C.S.,

(Designation) Dt. Magistrate of Bellary.

To The Secretary to the Government of Madras,

Revenue Department.

Madras.

Sir,

b.3 supra

With reference to Government endorsement No.3975 D/20-1 dated 19-8-20 on the reference from the officer Commanding 9th (Secunderabad) Division No.02852/4/Q.1 dated 6-8-20, I have the honour to state that I have compared the cattle pound fees &c proposed by the Commanding Officer with the current rates and found the proposed rates reasonable. recommend that the imposition of these rates may be sanctioned.

I have the honour to be,

Sir,

Your most obedient servant,

B.R.C./13-10-20.

Dt. Magistrate. 14/10

b

D

Rev | 2422
17.1.21

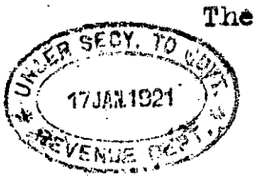
No.02852/5/Q.

From

The Headquarters,
Madras District.

To

The Secretary to the
Government of Madras,
Revenue Department,
Madras.



"IMPOSITION OF CATTLE POUND FEES."

Sir,

I have the honour to enquire whether any action has been taken on this office No.02852/4/Q.1.,dated the 6th August 1920, regarding the imposition of Cattle Pound Fees in the Cantonment of Bellary.

I have the honour to be,

Sir,

Your Obedient Servant,

R. D. Johnston
Major-Gener
Commanding Madras Distric

Wellington,
15th January 1921.

letter Reminder
D/ 4.2 Return
Dp 4.2
1000
2.1.21

Letter No. 3975 D/20-3 dt 22.1.21

Initials. Date.

Received in Fair copying Section. 24.1.21

Copied..... P.R.N. 24/1.

Examined..... 24.1.21

Signed.....

Despatched.....

To

Major-General
Commanding Madras District,
Wellington.

Sir,

In reply to your letter No. 02852/5/9 dt 15.1.1921 regarding the imposition of enhanced cattle pound fees in the Cantonment of Bellary, I am directed to state that the matter is under correspondence with the Collector of Bellary who is being reminded to-day.

I have etc.

DESPATCHED
24 JAN 1921

Reminder put up
below for approval.

18.1.21

22/1

9 Rev. S-102 No.02852/6/Q.
27.1.21

From

The Headquarters,
Madras District.

To

The Secretary to the
Government of Madras,
Revenue Department,
Madras.

"IMPOSITION OF CATTLE POUND FEES."

Sir.

I have the honour to request that a reply to my No.02852/5/Q dated 15th January 1921, may be expedited.

I have the honour to be,

Sir,

Your Obedient Servant,

Major-General
Commanding Madras District.

Wellington.
23 January 1921.

10

C.F.—29.

REVENUE **DEPARTMENT.**

6538

Received 2-2- 191 *Registered* 2-2- 191

UNDER SECY. TO GOVT. 2-FEB.1921 REVENUE DEPT.

Subject.

Cattle pounds- enhanced fees- Cantonment Bellary.

ENCLOSURES.

No.

Spare copies

L.Dis.C. **No.** 4436/20-A2.

Station Bellary., *Dated the* 30th January 21. 191

DESPATCHED 1 FEB 1921

From (Name) A.F.G. Moscardi Esq., I.C.S.,

(Designation) District Magistrate.

To The Secretary to the Government of Madras,

Revenue Department.

MADRAS.

Sir,

pp. 5-6 supra

In reply to overnment Memo No. 3975 D/20-2 dated 4-12-1920, I have the honour to state that the G.O. No. 180 dated 24-1-20 referred to has not been applied to the Cantonment of Bellary. This G.O. was not communicated to the Military Department as was done in the case of G.O. No. 941 (1941) Judl dated 4-6-1906. The Military authorities, who were then consulted in the matter favoured the enhanced fines, and at present there is no objection to applying the provisions of the G.O. No. 180/20 to the Bellary Cantonmen

As

12

Subject. Imposition of cattle pound fines in the Bellary Cantonment

C. No. 3975 D. & 5077 D.

To Under Secretary.

at the instance of the District Magte. of Bellary the Govt. issued the notification in G.O. No. 180 of 24.1.1920 (S) directing the levy of double the usual rate of fines on each bull, bullock, cow or heifer seized impounded within a radius of 5 miles of the town of Bellary. In that notification sheep & goats etc were excluded as it was reported that the nuisance was chiefly due to cows.

please Secys. note at p. 3 of notes to G.O. 180 of 24.1.20 (S)

pp. 1-2 C.f. 2/ The Commanding Officer of Bellary Cantonment now submits a revised list of cattle pound fees & requests that it may be brought into force in the Cantonment of Bellary. The Collr. recommends p. 4 C.f. the imposition of these rates without showing the necessity for a fresh notification in the face of the one published under G.O. No. 180 of 24. 1. 20. (The Cantonment is two miles from the town) Submitted the Collr. may be consulted on this point. A draft O.M. is submitted for approval.

p. 120 of the railway guide perhaps removed (S)

Reference unnecessary, but I want to know

(1) Is Bellary cantonment part of Bellary town? If not, G.O 180 of 24.1.20 won't apply to it as impounding in the bounds of Bellary town as referred to. I presume here impounding

no call for from M P C 13.11.20

23.10.20 1811 29.11.20

(S)

Have a copy & make a note. Need not be put up

12

Bellary Cantonment

Is the proposed notification legal?
If it is to issue under the Cattle
Trespass Act, it is illegal.
Can it issue under the Cantonment
Act also?

6.11.12

To Under Secretary

Query (1) at p. 1 supra. It is respectfully submitted that Bellary Cantonment seems to form part of Bellary town. In this connection please see Colonel E.C.W. M. Kennedy's letter at p. 9 of c.f. in f.o. no. 941 of 4.6.1906 & para. 1 of the same order. The former treats about the application of the Cattle Trespass Act to the Cantonment of Bellary & the latter makes the Act applicable to the town of Bellary & the places within a radius of five miles of the town.

Just f.o. ff. (F).

It may be observed from pp. 1-2 of f.o. no. 803 Just of 15.5.1911 that there are two pounds within the Cantonment limits, one called the Cantonment pound & the other the Fort Gate pound. It does not appear that pounds within Cantonments are exempt from the operation of the Cattle Trespass Act (I of 1871) as amended by act I of 1891.

(J)

para. 2, p. 2 of f.o. no 1365 of 26.6.1895 (E)

The Act extends to the whole of British India except such portions as have been excluded from its operation by a special notification.

Section 1(2) of Act I of 1891 at p. 296 of Unrepealed General Acts C. IV

(section 1 clause 2) and no such notification excluding pounds within Bellary Cantonment limits appear to have been issued. In the circumstances the notification published with reference to G.O. no. 180 Rev. of 24.1.20 would seem to apply to the Cantonment pound in Bellary town.

(5)

2/ Query 12 at p. 2 supra. The notification proposed by the Commanding officer, Bellary Cantonment, is not legal as it contemplates the levy, in some cases, of fines exceeding double the fines mentioned in the Act, which are the maxima leviable under the Act. ~~It would appear from para 1 above that the levy of fine will have to be framed under Act I of 1871.~~ Under sec. 5(3) of the Cantonments Act, 1910 ~~1889~~ the Cantonment Committee is a local authority as defined in section 31 of the Cattle Trespass Act. The Cantonments Act (of 1910 or the Code of 1912) contains no provision for the levy of fines to check cattle trespass

p. 2 c/f

p. 11 of General acts Vol. II

Section 12 of Act I of 1871

Section 5(1) of Act I of 1891

p 291 of General Acts Vol. IV

Act pub up—

pub up

3/ In orders

26.11.20

Signed J. B. B. in draft
4.12.20

P.T.O

REVENUE DEPARTMENT.

Cattle Trespass Act 1871 (Bellary Cantonment) Levy o double fines

General Officer Commanding addressed.

Read again G.O.No. 941 dated 4th June 1906.

180 Rev. dated 24th January 1920.

C.No.3975/20. From the General Officer Commanding, 9th Secunderabad division, No. 02852/4/Q.1.dated 6th August 1920

Endorsement to the District Magistrate,Bellary. No. 3975 D/20-1.dated 19th August 1920.

5077 D. From the District Magistrate,Bellary, L.Dis.C.No.1461/20-A-2 dated 13th October 1920.

C.M. to the Collector of Bellary, No. 3975 D/20-1,dated 4th December 1920,

242 D/21. From the Headquarters,Madras District, No.02852/5/Q, dated 15th January 1921.

Letter to Major General Commanding,Madras District, No. 3975 D/20-3.dated 22nd January 1921.

From -do- No.02852/6/Q.dated 25th January 1921.

From the District Magistrate, L.Dis.C.No. 4436/20-A2, dated 30th January 1921.

O R D E R:- Mis. No. 464 dated 23-2-21

Received in Fair copying section. 23.2.21

Copied. S.C. 23/2.
Examined.
Signed. 23.2.21
Despatched.

The following letter will be addressed to the G.O.C. 9th Division (Secunderabad).

To the District Magistrate,
Bellary.

DESPATCH
24 FEB 1921

Letter No. 465 dated 23/2/21

To the General Officer Commanding,
9th (Secunderabad) Division.

Sir,,

With reference to your letter

please send a copy of notification issued under G.O. No. 941 R 1906 & 180 R, 24-1-20 as requested.

No.02852/4/Q-1 dated 6th August 1920
regarding the imposition of cattle
pound fines in the Cantonment of
Bellary.. I am directed to inform
you that under the notifications issued
under G.O.941 dated 4-6-1906 and G.O.
80 Rev. ated 24-1-1920 double the
fines mentioned in Section 12 of the
cattle trespass Act are leviable on
each bull,bullock,cow or heifer and 1½
times the fines on other cattle, except
elephants and camels, which may be - -
seized within a radius of five miles of the
town of Bellary and impounded in the
pound of that town. These notifications
apply to the Bellary Cantonment also -
which is situated within the above limits.
I am also to inform you that double the
fines specified in Section 12 is the - -
maximum that can be levied. Copies of
the notifications referred to are enclosed.

DESPATCHED
24 FEB 1921

21.2.21

21.2.21